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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,282	03/01/2004	Kevin R. Klueh	2003P03423 US01	9526

7590 03/18/2009
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EXAMINER

WOODS, TERESA S

ART UNIT	PAPER NUMBER
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4114

MAIL DATE	DELIVERY MODE
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03/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/790,282	Applicant(s) KLUEH ET AL.	
	Examiner TERESA WOODS	Art Unit 4114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/01/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on 03/01/2004.
2. Claims 1-20 are currently pending and have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-10, 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (US 7,490,048 B2) in view of Provost (US 7,263,493 B1).

6. Claim 1:

Joao, as shown, discloses the following limitations:

- *(a) patient medical eligibility determination related information (see at least column 6, line 9-12),*
- *an authentication processor for verifying a healthcare payer organization user is authorized to access the acquired collated patient information in response to user entered identification data; and (see at least column 43 ,line 63 to column 44, line 20)*
- *a user interface generator for providing data representing a display image including elements of the acquired and collated information to an authorized user in response to user command (see at least 44, lines 14-20).*

This citation describes authorized user commands such as passwords and electronic signatures that are displayed on a computer screen. Joao discloses the limitations as shown in the rejections above. Joao does not disclose the following limitation, but Provost discloses:

- *(b) patient admission, discharge and transfer related information, and (see at least column 1, lines 40-45)*
- *(c) patient clinical information (see at least column 11, lines 1-5);*
- *an acquisition processor for acquiring and collating information from at least one healthcare provider organization information system including (see at least Fig. 2, column, 19, line 60 to column 20, line 3),*

In figure 2, Provost shows a processor (30a) used to transmit and retrieve information medical insurance claims. Also, the second citation shows how a health care provider communicates with a payer using a server system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Joao's patient medical eligibility and computer screen to authorized user with Provost's ability to access and collect patient data to provide a more comprehensive way to update, have access to and protect a patient's medical records. Therefore, this would help to improve the integrity of healthcare information.

7. Claim 2:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Joao further discloses *wherein the acquired and collated information includes, at least one of: (a) image representative data associated with a patient record, (b) patient demographic information, (c) a patient census list, and (d) patient record scanned documents* (see at least column 52, lines 1-3). In this citation, Joao has documentation scanning abilities.

8. Claim 3:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Joao further discloses *wherein the user interface generator provides data representing a display image including user selected combinations of information elements (a), (b) and (c)* (see at least column 17, lines 31-33, column 18, lines 14-16). In the first citation, Joao's computer serves as a displaying device and the second citation describe the combination of medical images that can be displayed.

9. Claim 4:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Joao further discloses *wherein the acquired and collated information includes patient medical eligibility determination related information* (see at least column 6, lines 9-12), *patient admission* (see at least column 39, lines 3-11), *discharge and transfer related information, and patient clinical information* (see at least column 20, lines 53-57) *derived from at least one of: (a) multiple different locations, (b) multiple different healthcare provider organizations, and (c) multiple different computerized information systems* (see at least, Fig. 1, column 18, lines 12-25). In these citations, Joao describes details of processing patient information such

as eligibility, patient admission to medical facilities, patient clinical and laboratory information all within the use of a multi-computer network.

10. Claim 5:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Joao further discloses *wherein the healthcare payer organization user is provided with real-time access to the acquired and collated information* (see at least column 20, lines 48-52). In this citation, Joao describes the ability to update the patient database in real time.

11. Claim 6:

Joao, as shown, discloses the following limitations:

- a communication interface permitting communications between a healthcare provider system and the healthcare management system, and permitting communications between a healthcare payer system and the healthcare management system (see at least Fig. 1, Fig. 2, column 14, lines 52-64);

In this citation, Joao describes a network of healthcare providers, payers and associates all with the ability to communication with each other.

- an acquisition processor for: receiving healthcare information from the healthcare provider system via the communication interface, wherein the healthcare

information includes case management information for a patient being cared for by a healthcare provider operating the healthcare provider system; and (see at least column 2, lines 41-55)

In this citation, Joao describes an apparatus used as a processor to provide health care information that can be used to manage patient cases and include information used by a healthcare provider.

- receiving requests for the healthcare information from the healthcare payer system via the communication interface; an authentication processor for verifying that (see at least Fig. 10, column 35, lines 20-30)
- a user of the healthcare provider system is authorized to send the healthcare information to the healthcare management system responsive to receiving the healthcare information from the healthcare provider system; and (see at least column 46, lines 38-43)
- a user of the at least one healthcare payer system is authorized to access the healthcare information responsive to receiving the requests for the healthcare information from the healthcare payer system; and (see at least column 46, lines 44-59)
- a user interface generator for providing data, representing a display image, including elements of the stored healthcare information, to the healthcare payer system responsive to verifying that the user of the healthcare payer system is

authorized to access the healthcare information (see at least column 43 ,line 63 to column 44, line 20).

These citations give emphasis to granting access to authorized users. Joao discloses the limitations as shown in the rejections above. Joao does not disclose the following limitation, but Provost discloses:

- a memory device for storing the healthcare information responsive to verifying that the user of the healthcare provider system is authorized to send the healthcare information to the healthcare management system; and (see at least Fig. 2, column 10, lines 1-36)

In figure 2, Provost shows a processor (30a) used to transmit, retrieve and store medical insurance claims information. Also, the second citation shows how a health care provider communicates with a payer using a server system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Provost's ability to store healthcare information in a memory device and display screen with Joao's additional user-authorized abilities to provide a more comprehensive way to store, update, have access to and protect a patient's medical records. Therefore, this would help to improve the integrity of healthcare information.

12. Claim 7:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Joao further discloses:

- *the user of the healthcare provider system is authorized to send the healthcare information responsive to identification data entered by the user of the healthcare provider system; and (see at least column 45, line 66 to column 46, line 9);*
- *the user of the healthcare payer system is authorized to access at least some of the healthcare information responsive to identification data entered by the user of the at least one healthcare payer system (see at least column 46, lines 38-43).*

Joao describes an authorized identification used to access the healthcare information with the payer having the option to use it.

13. Claim 8:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Joao further discloses: *wherein the user interface generator provides the data, representing the display image, responsive to a command by the user of the healthcare payer system (see at least Fig. 1, column 58, lines 28-32).* In this citation, Joao's computer is the interface generator with responsive commands used by a healthcare provider.

14. Claim 9:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Joao further discloses:

- a first rejection message to the healthcare provider system via the communication interface responsive to verifying that the user of the healthcare provider system is not authorized to send the healthcare information, and (see at least Fig. 16A, 17A, 17B, column 47, line 60 to column 48, line 6);
- a second rejection message to the healthcare payer system via the communication interface responsive to verifying that the user of the healthcare payer system is not authorized to access the healthcare information (see at least Fig. 16A, 17A, 17B, column 47, line 52 to column 48, line 6).

In this citation, Joao describes what happens when an unauthorized user tries to access the processing computer to obtain healthcare payer and provider patient information.

15. Claim 10:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Provost further discloses:

- wherein the memory device stores the requests for the healthcare information from the healthcare payer system, representing healthcare payer activity in the healthcare management system (see at least Fig. 2, column 14, lines 9-19)
- wherein the acquisition processor receives requests for the healthcare payer activity from the healthcare provider system via the communication interface, wherein the authentication processor verifies that (see at least Fig. 2, column 14, lines 23-31)
- a user of the healthcare provider system is authorized to access the healthcare payer activity responsive to receiving the requests for the healthcare payer activity from the healthcare provider system, and (see at least column 46, lines 38-43)
- wherein the user interface generator provides data, representing the display image, including elements of the stored healthcare payer activity, to the healthcare provider system responsive to verifying that the user of the healthcare provider system is authorized to access the healthcare payer activity (see at least column 43 ,line 63 to column 44, line 20).

This citation gives emphasis to granting access to authorized users.

16. Claim 12:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Joao further discloses:

- *(a) patient medical eligibility determination related information (see at least column 6, line 9-12),*

Provost further discloses:

- *(b) patient admission, discharge and transfer related information, and (see at least column 1, lines 40-45)*
- *(c) patient clinical information (see at least column 11, lines 1-5);*

17. Claim 13:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Joao further discloses *wherein the user interface generator provides data representing a display image including user selected combinations of information elements (a), (b) and (c) (see at least column 17, lines 31-33, column 18, lines 14-16)*. In the first citation, Joao's computer serves as a displaying device and the second citation describe the combination of medical images that can be displayed.

18. Claim 14:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Joao further discloses *wherein the acquired and collated information includes, at least one of: (a) image representative data associated with a patient record, (b) patient demographic information, (c) a patient census list, and (d) patient record scanned documents* (see at least column 52, lines 1-3). In this citation, Joao has documentation scanning abilities.

19. Claim 15:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Joao further discloses *wherein the acquired and collated information includes patient medical eligibility determination related information* (see at least column 6, lines 9-12), *patient admission* (see at least column 39, lines 3-11), *discharge and transfer related information, and patient clinical information* (see at least column 20, lines 53-57) *derived from at least one of: (a) multiple different locations, (b) multiple different healthcare provider organizations, and (c) multiple different computerized information systems* (see at least, Fig. 1, column 18, lines 12-25). In these citations, Joao describes details of processing patient information such

as eligibility, patient admission to medical facilities, patient clinical and laboratory information all within the use of a multi-computer network.

20. Claim 16:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Joao further discloses *wherein the healthcare payer organization user is provided with real-time access to the acquired and collated information* (see at least column 20, lines 48-52). In this citation, Joao describes the ability to update the patient database in real time.

21. Claim 17:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Joao further discloses:

- *receiving healthcare information from healthcare provider system, wherein the healthcare information includes case management information for a patient being cared for by a healthcare provider operating the healthcare provider system* (see at least column 2, lines 41-55);

- *verifying that a user of the healthcare provider system is authorized to send the healthcare information responsive to receiving the healthcare information from the healthcare provider system (see at least column 46, lines 38-43);*
- *storing the healthcare information responsive to verifying that the user of the healthcare provider system is authorized to send the healthcare information (see at least column 45, line 66 to column 46, line 9);*
- *receiving requests for the healthcare information from healthcare payer system (see at least Fig. 10, column 35, lines 20-30);*
- *verifying that a user of the healthcare payer system is authorized to access the healthcare information responsive to receiving the requests for the healthcare information from the healthcare payer system; and (see at least column 43 ,line 63 to column 44, line 20)*
- *providing data, representing a display image, including elements of the stored healthcare information, to the healthcare payer system responsive to verifying that the user of the healthcare payer system is authorized to access the healthcare information (see at least column 43 ,line 63 to column 44, line 20).*

22. Claim 18:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Joao further discloses:

- providing a first rejection message to the healthcare provider system responsive to verifying that the user of the healthcare provider system is not authorized to send the healthcare information, and (see at least Fig. 16A, 17A, 17B, column 47, line 60 to column 48, line 6)
- providing a second rejection message to the healthcare payer system responsive to verifying that the user of the healthcare payer system is not authorized to access the healthcare information (.see at least Fig. 16A, 17A, 17B, column 47, line 60 to column 48, line 6)

23. Claim 19:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Provost further discloses:

- providing data, representing the display image, including elements of the stored healthcare payer activity, to the healthcare provider system responsive to (see at least Fig. 4, column 10, lines 37-56).

This citation shows a displayable and storable claim form used to process healthcare payments a central processing computer used to communicate healthcare records among provider and payer systems. Also, it authorizes access to users who enter a password.

- storing the requests for the healthcare information from the healthcare payer system representing healthcare payer activity in the healthcare management system (see at least Fig. 2, column 7 ,lines 49-61),

This citation describes typical requested information that's on file within a healthcare management system. Acceptable medical practices and patient eligibility are among the stored healthcare information that is frequently requested payers. Joao further discloses:

- receiving requests for the healthcare payer activity from the healthcare provider system (see at least column 58, lines 55-64),
- verifying that the user of the healthcare provider system is authorized to access the healthcare payer activity (see at least column 43 ,line 63 to column 44, line 20)
- verifying that a user of the healthcare provider system is authorized to access the healthcare payer activity responsive to receiving the requests for the healthcare payer activity from the healthcare provider system, and (see at least column 43 ,line 63 to column 44, line 20)

This citation describes a central processing computer used to communicate healthcare records among provider and payer systems. Also, it authorizes access to users who enter a password.

24. Claim 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (US 7,490,048 B2) in view of Provost (US 7,263,493 B1) further in view of Official Notice.

25. **Claim 11:**

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Provost further discloses *a third rejection message to the healthcare provider system via the communication interface responsive to verifying that the user of the healthcare provider system is not authorized to access the healthcare payer activity.* However, the Examiner takes **Official Notice** that it is old and well-known in the computer arts that multiple messages would appear on a screen to prompt an alleged user attempting to access a healthcare provider's payment activities, when they have no authorization. It would have been obvious to a person having ordinary skill in the art at the time of invention to combine a third rejection message whole with Provost and Joao's healthcare management system to provide a safe way of maintaining a healthcare provider's records. This would continue to help improve the integrity of patient medical records and insurance liability.

26. Claim 20:

Provost and Joao disclose the limitations as shown in the rejections above. Provost and Joao don't disclose the following limitations. Joao further discloses *providing a third rejection message to the healthcare provider system responsive to verifying that the user of the healthcare provider system is not authorized to access the healthcare payer activity*. However, the Examiner takes **Official Notice** that it is old and well-known in the computer arts that multiple messages would appear on a screen to prompt an alleged user attempting to access a healthcare provider's payment activities, when they have no authorization. It would have been obvious to a person having ordinary skill in the art at the time of invention to combine a third rejection message whole with Provost and Joao's healthcare management system to provide a safe way of maintaining a healthcare provider's records. This would continue to help improve the integrity of patient medical records and insurance liability.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Teresa Woods** whose telephone number is **571.270.5509**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Jerry O'Connor** can be reached at **571.272.6787**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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03/11/09

/Gerald J. O'Connor/
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